

Application No.: 10/814,742

Amendment dated: 04/25/06

Reply to Office Action mailed: 02/21/06

Amendments to the Drawings:

Applicant's drawing Figure 3, has been revised to include the numeral 108 as described in the Specification. The revised drawing is attached hereto.

A copy of the previously submitted Figure 3 with the changes to the drawing noted in red is also attached.

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Remarks/Arguments

The objection to Applicant's drawings as failing to comply with 37 CFR 1.84(p)(5) is believed obviated by the amendments to Applicant's drawings and specification.

The objections to Applicant's Specification are considered obviated by the foregoing amendments to Applicant's Specification. These amendments are not considered to add any new matter to Applicant's disclosure.

The rejection of Applicant's claims 1, 2, 5, 7 and 18 under 35 U.S.C. 112, second paragraph, is respectfully traversed and reconsideration is respectfully requested.

It is submitted that Applicant's claims as presently amended are proper under 35 U.S.C. 112, second paragraph. Claims 7 and its dependent claims clearly include a garage door as an element of the claimed system.

Claim 18 is respectfully submitted to require no garage door as an element. The garage door is simply recited as defining one side of a space which is closed by the ventilated gate. It is respectfully submitted that this claim is proper and clearly defines Applicant's claimed invention in claim 18.

The rejection of Applicant's claims under 35 U.S.C. 102, in view of U.S. Patent 1,944,349 issued January 23, 1934 to W.W. Kincaid (Kincaid) is respectfully traversed and reconsideration is respectfully requested. Kincaid discloses a gate supported by pillars on either side with the gate being adapted to be moved into a lowered position by contact with the wheels of a vehicle and then returned to an upright position by counterweights. Applicant's claimed invention does not require the use of counterweights and is not activated by contact with the wheels of a vehicle. It is submitted that these two distinctions alone are more than sufficient to distinguish Applicant's claims 7 and its dependent claims from Kincaid.

It is pointed out that the Kincaid gate is not designed to close an opening between the bottom of a garage door and the floor of the garage. This reference to the garage door as defining one border of the closed space is considered proper and it is not considered

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that the garage door is necessarily a required element in claim 18. This feature alone is considered to distinguish Applicant's claim 18 and its dependent claims from Kincaid. Further the ventilated gate system is constructed differently than the Kincaid gate and is moveable into an upright position differently than the Kincaid gate.

It is respectfully submitted that Kincaid does nothing to show or suggest Applicant's claimed invention as presently claimed.

In view of the foregoing amendments and comments, it is respectfully submitted that none of Applicant's claims have been shown or suggested by Kincaid under 35 U.S.C. 102 or 103.

It is further respectfully submitted that Applicant's claims are now in compliance with 35 U.S.C. 112 and 37 CFR 1.84(p)(5).

It is therefore respectfully submitted that Applicant's claims are now in condition for allowance and such is respectfully solicited.

Respectfully submitted,



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